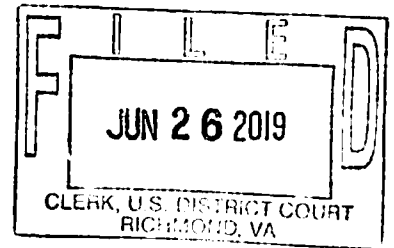


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



LESTER R. ROBINSON,

Plaintiff,

v.

Civil Action No. **3:18CV434**

S. WHITEHEAD, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia prisoner proceeding *pro se*, brings this 42 U.S.C. § 1983 action. By Memorandum Opinion and Order entered on March 19, 2019, the Court dismissed the claims against Lt. Ward, and dismissed the Fourteenth Amendment claims. (ECF No. 14, at 1.) By Memorandum Order entered on April 17, 2019, the Court directed service on the remaining Defendants. Both Defendants have been served and counsel noted an appearance.

By Memorandum Order entered on July 3, 2018, the Court instructed Plaintiff that he must keep the Court apprised of his current address and that the failure to do so would result in dismissal of the action. On May 9, 2019, the Court received a letter from the Hampton Roads Regional Jail notifying the Court that Plaintiff had been released. Since that date, Plaintiff has failed to provide a current address to the Court. Thus, it appears that Plaintiff lacks interest in the litigation of this action. Because the jail provided the Court with a last known address for Plaintiff, the Court provided Plaintiff with an opportunity to notify the Court of his desire to continue litigating the action.

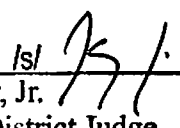
By Memorandum Order entered on May 20, 2019, the Court stayed the briefing schedule set in the April 17, 2019 Memorandum Order until the Court could ascertain whether Plaintiff remains interested in litigating this action.

The Court also directed Plaintiff, within eleven (11) days of the date of entry thereof, to notify the Court if he wishes to continue to litigate this action. The Court explained that if Plaintiff failed to respond, the Court would dismiss the action without prejudice. The Court mailed the Memorandum Order to the last known address for Plaintiff provided by the jail.

More than eleven (11) days have elapsed and Plaintiff failed to notify the Court of his interest in litigating the action or otherwise respond. Moreover, Plaintiff's failure to contact the Court and provide a current address indicates his lack of interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 26 June 2019
Richmond, Virginia



John A. Gibney, Jr.
United States District Judge